



UNITED STATES
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By ECF

The Honorable Dora L. Irizarry
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Securities and Exchange Commission v. Spongetech Delivery Systems, et al.*,
10-cv-2031-DLI-JMA (E.D.N.Y.)

Your Honor:

Plaintiff Securities and Exchange Commission (“SEC”) writes in reference to defendant Michael Metter’s request [Dkt.199] filed on December 22, 2011 to extend the partial and temporary release of the bank accounts of BusinessTalkRadioNet, Inc. (“BTRN”) from the asset freeze imposed by the Court’s March 14, 2011 Order [Dkt. 112]. The Court’s prior order addressing this issue expired on December 9, 2011 [Dkt. 189]. On December 23, 2011, the SEC wrote to the Court [Dkt. 200] to indicate that it did not oppose this request, subject to the conditions set forth in the proposed order submitted by counsel (“Proposed Order”) [Dkt 199-1].

The Proposed Order has not been entered and Metter’s request remains pending. Nevertheless, the SEC learned for the first time yesterday that BTRN has continued to operate, write checks, and pay expenses as if the Court had entered the Proposed Order *nunc pro tunc*.

Given that BTRN has continued to operate in this fashion, apparently at the direction of, or with the approval of Metter, without the entry of an order by the Court, the SEC withdraws its consent to subsections ¶¶ 2(d) and (e) of the Proposed Order which allow Metter to continue to draw a salary or receive any other disbursement from BTRN.

Respectfully submitted,

/s/ Paul W. Kisslinger